



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

extreme of holding that continuous and exclusive possession together with the appropriation of profits for the statutory period will raise a presumption of law that there has been an ouster. *Thomas v. Garvan*, 15 N. C. 223.

BAIL—DISCHARGE OF SURETY—INSANITY OF PRINCIPAL.—The plaintiffs in error were sureties on a recognizance for the appearance of a criminal. The principal did not appear, and upon a proceeding to show cause why judgment for the penalty should not be rendered against the sureties, they pleaded the insanity and confinement of the principal in another state. The state demurred. *Held*, that insanity was a good excuse for non-performance of the conditions of the recognizance and released the sureties. *Smith et al. v. People*, (Colo., 1919) 184 Pac. 372.

The general rule is that if the condition of the undertaking of special bail becomes impossible of performance by the act of God, or of the law, or of the obligee, the bail are thereby discharged.

The reason of the rule is well expressed in the principal case where the court said, "it is plain that the purpose of a recognizance is merely to insure the presence for trial of a person accused of a bailable offense. The enriching of the public treasury is no part of the object at which the proceeding is aimed." It is well settled law that the death of the principal will discharge the bail. *Wakefield v. McKinnel*, 9 La. 449; *Griffin v. Moore*, 2 Ga. 331; *Mather v. People*, 12 Ill. 9; *State v. Cone*, 32 Ga. 663; *Hayes v. Carrington*, 12 Abb. Pr. (N. Y.) 179; *Granberry v. Pool*, 14 N. C. 155; *Mount Pleasant Bank v. Pollock*, 1 Ohio 36. The principal of these cases is that it has been put out of the power of the surety to exonerate himself. So, too, in the cases of unavoidable accidents and sickness, it has been held to excuse sureties for non-appearance. *Hargis etc. v. Begley*, 129 Ky. 477; *Scully v. Kirkpatrick*, 79 Pa. St. 324; *People v. Manning*, 8 Cowen (N. Y.) 297; *Chase v. People*, 2 Col. 481. Also the arrest of the principal by military authorities has been held to excuse the surety, *Belding v. State*, 25 Ark. 315; *Commonwealth v. Webster*, 1 Bush (Ky.) 616, or where a soldier principal is in the federal army, and at such a distance as to be unable to get a furlough. *Commonwealth v. Terry*, 2 Duv. (Ky.) 383. But where the principal is in the army, whether voluntarily or involuntarily, within a short distance of the place, and a furlough could have been obtained, but was not requested, the sureties are not released. *Briggs v. Commonwealth*, (Ky., 1919) 214 S. W. 975. There are also some decisions supporting the principal case, holding that insanity of the principal, if he is confined in a state asylum, or is adjudged insane, will excuse. *Wood v. Commonwealth*, 17 Ky. L. Rep. 1076; *Commonwealth v. Fleming*, 15 Ky. L. Rep. 491; *Fuller v. Davis*, 1 Gray (Mass.) 612. But in *Adler v. State*, 35 Ark. 517, it was held that confinement in an insane asylum, in another state, would not discharge the sureties. However in view of the other acts of God that will discharge the sureties, there is no good reason on principle, why insanity should not.

BANKRUPTCY—PROVABILITY OF TORT CLAIMS.—By fraudulent representations M was induced to buy certain foreign bills of exchange drawn by a